

EPA Seeks Comment on Petition for Bilingual Pesticide Labels Fact Sheet ... DRAFT ... February 5, 2011

The Migrant Clinicians Network, Farmworker Justice, and other farm worker interest groups have requested that EPA require pesticide manufacturers to make their pesticide product labels available in both English and Spanish. EPA is seeking public comment until ~~May-June~~ **February**, 2011 on this request, which the Agency is handling as a petition. The petition and EPA's ~~March~~ **February**, 2011 Federal Register notice announcing it are available in docket EPA-HQ-OPP-2011-0014 at Regulations.gov.

Please submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2011-0014, by one of the following methods:

- **Federal eRulemaking Portal:** Regulations.gov. Follow the on-line instructions for submitting comments.
- **Mail:** Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460-0001.
- **Delivery:** OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). The Docket facility telephone number is (703) 305-5805.

Background

At present, EPA allows pesticide manufacturers to add labeling in other languages, in addition to providing pesticide product labels in English. For agricultural products subject to the Worker Protection Standard, EPA requires that certain parts of the pesticide label include words or phrases in Spanish.

In response to the petition request, EPA is considering whether to more broadly require bilingual labeling in English and in Spanish for more or all pesticide products. The Agency would like to receive public comment and input on the potential benefits and costs or disadvantages of a bilingual pesticide labeling requirement, and on the potential scope of such a requirement. Some options regarding the potential scope include requiring bilingual labeling for:

- Certain types of pesticides
- Certain use sites
- Products containing certain active ingredients
- Products in particular acute toxicity categories
- Certain parts of pesticide labels

Questions for Public Comment

For the general public:

1. Language characteristics vary by culture, region, and other factors. How could EPA ensure that Spanish text on pesticide product labels would be understood by all potential Spanish-speaking users?

2. Labeling in Spanish could potentially be required for all pesticide products, for a subset of pesticide products, or for a portion of the product label. If the Agency concluded that translation of a portion or portions of the label were appropriate, which portions of the pesticide label would it be most beneficial to have in Spanish, and why? If the Agency were to limit the requirement for translation to only certain products, which products should be considered, and why? (Note: please see the sample label in the docket to consider the different sections of a pesticide label.)
3. Are there languages other than Spanish and English that EPA should consider for inclusion on pesticide labels? Which languages? Please explain your reasoning for including a language other than Spanish or English on pesticide labels, and cite documents that would further bolster your suggestion.

For people exposed to pesticides (e.g., farm workers, lawn and landscape maintenance workers, structural pest control technicians, commercial and residential cleaning staff, residential users of pesticides, children, pregnant or nursing women, older adults, others) and advocacy groups:

1. Please describe how having labels available in English and Spanish could increase or decrease pesticide user safety.
2. How do you currently obtain information in Spanish regarding a pesticide product?
3. Please describe how farm workers, their families, and others exposed to pesticides could benefit from this proposal.
4. Would this proposal affect your day-to-day work? If so, how?
5. Which parts of pesticide labeling, if any, would be most valuable to have translated into Spanish, and why? (Note: please see the sample label in the docket to consider the different sections of a pesticide label.)
6. Would having Spanish translation of labeling be more important for some types of products than for others? Please describe why this would be so. And if so, how should EPA select products that would bear bilingual labeling?
7. What effect would the availability of bilingual labeling have on users' understanding of label text?
8. Would pictograms or other non-language methods of communication be beneficial for communication of labeling requirements?

For industry:

1. Do you currently sell or distribute any pesticides with Spanish labeling (other than as required by 40 CFR 156.206)? If so, why have you decided to do so and what effects has the use of Spanish labeling had on the marketing or safety of using these products? Can you quantify or give examples of any added costs or benefits that have resulted from providing your products' labels in English and Spanish?
2. What additional economic costs and/or benefits would you anticipate from having your products' labels available in Spanish as well as English? Costs might include translation, printing,

or packaging. Benefits might include improved market penetration or improved customer goodwill. Besides any increased monetary costs, would there be other obstacles to printing bilingual labeling on your pesticide products?

3. How could electronic media be used to facilitate distribution of bilingual or multilingual labeling?
4. Apart from bilingual labeling, what past and current efforts have you made to communicate with customers or potential pesticide users who do not speak or read English fluently? What have you found to be effective or ineffective?
5. If you provide Spanish labeling, do you provide it on products nation-wide or only in targeted regions? Why?
6. How could EPA implement the petitioners' proposal or a version of it efficiently and equitably?
7. Please explain whether there are any portions of a product's labeling that would not need to appear in both languages.

For the state pesticide regulatory community and the enforcement community:

1. Are there state or local laws that conflict with the proposed bilingual labeling?
2. What potential benefits or obstacles would a federal recommendation or requirement for bilingual labeling pose to the state regulation of pesticide products?
3. What potential benefits would bilingual labeling provide and what potential costs or obstacles would bilingual labeling pose to enforcement activities?

~~3.4.~~ Do you know of any inspection or enforcement actions involving bilingually labeled products where the presence of two languages on the label has compromised bringing the action to closure?

~~4.5.~~ Do you know of any enforcement actions that have been taken because of, or compromised by, inaccuracies in labeling translation?

~~5.6.~~ Do you know of misuse incidents, poisonings, or other mishaps for which the lack of availability of bilingual labels may have been a contributing factor?

~~6.7.~~ Would a requirement that pesticides bear bilingual labeling increase or decrease the ability of people to use pesticides safely and effectively? Why?

~~7.8.~~ _____ If pesticide products are required to carry labeling in Spanish, what effects, if any, would you anticipate on state pesticide applicator certification programs?